

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 3611 - SB 3563

March 5, 2012

SUMMARY OF BILL: Defines “excused absence” as an absence for which the student: presents a written note signed by the parent or guardian requesting that the absence be excused, (limited to three times a semester and six times a year for grades six through twelve and to no more than 10 times a school year in kindergarten through fifth grade); has a death in the immediate family and presents a copy of the obituary or funeral notice (limited to three days per bereavement); or is ill or absent because of a medical condition (requires a note from a doctor or school nurse as evidence); is absent to visit a college or university (applies to students in the 11th or 12th grade who have given prior notice and limits such absences to three days per college visit); or is excused under Tenn. Code Ann. § 2-4-103(e), § 49-6-3002(c), § 49-6-3018, or § 49-6-3019. Defines “unexcused absence” as any absence that is not excused. Authorizes students who serve as pages for the General Assembly to be granted an excused absence if the absence is approved.

Requires that one absence be recorded for a student for each five tardies or early dismissals or any combination thereof that the student receives. Requires absences to be recorded as either excused or unexcused depending on whether the tardies or early dismissals would have been excused or unexcused had the student been absent instead. Authorizes students to earn back attendance time by performing school-sponsored service. Limits credit for school sponsored service to two class periods per semester per class on an equal time basis. Prohibits partial credit from being earned.

For the purposes of this section and Tenn. Code Ann. § 37-1-102(b)(25)(A)(i), a student shall be deemed habitually truant when they have been absent an aggregate five days without an adequate excuse and deemed chronically truant when they have been absent an aggregate 10 days with adequate excuse. Authorizes any student who was deemed chronically truant during the prior semester or school year to be subject to the same consequences as if the student were already classified as habitually truant at the beginning of the current school term. These consequences may include, but are not limited to, attendance contracts, referral to juvenile court, an attendance review committee or teen court, or some other similar measure that is adopted by the local education agency.

Modifies the definition of unruly child to include those who are chronically truant. Authorizes a judge who finds a child 14 years old or older to be unruly because of habitual or chronic truancy to determine whether ordering the child to perform community service is in the child’s best interest and to require a child to perform community service in accordance with Tenn. Code Ann. § 37-1-131(a)(7).

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ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$741,600

Increase Local Expenditures - \$652,800*

Increase Federal Expenditures - \$475,100

Assumptions:

- According to the Department of Children's Services (DCS), 49 cases not currently in state custody will be placed into state custody as a result of this bill. These 49 cases will stay an average length of 49 days per case for a total of 10,731 days.
- DCS estimates that each day in custody will cost \$96.
- The total increase in housing expenditures will be \$1,030,176 (\$96 per day x 10,731 days).
- Of the \$1,030,176, 49 percent (\$504,786) will be TennCare funding. Of the TennCare funding, \$334,320 will be federal funds at a 66.23 percent match rate and \$170,466 (\$504,786 - \$334,320) will be state funds.
- Seven percent or \$72,112 (\$1,030,176 x 7%) will be new federal Title IV-E funding.
- The remaining \$453,278 [\$1,030,176 - (\$504,786 + \$72,112)] will be state funding.
- The increase in state expenditures for housing will be \$623,744 (\$170,466 TennCare + \$453,278).
- The increase in federal expenditures for housing will be \$406,432 (\$334,320 TennCare + \$72,112 Title IV-E).
- DCS will require two new case managers at a cost of \$60,453 per manager with salary (\$34,400), benefits (\$11,053), and other expenditures (\$15,000); a total increase in expenditures for case managers of \$120,906 (\$60,453 x 2).
- DCS will hire one additional team leader at a cost of \$65,630 with salary (\$38,900), benefits (\$11,730), and other expenditures (\$15,000).
- Total cost for personnel will be \$186,536 (\$120,906 case managers + \$65,630 team leaders). Of this amount, 45 percent (\$83,941) will be TennCare funding. Of the TennCare funds, \$55,594 will be federal funds at a 66.23 percent match rate and \$28,347 (\$83,941 - \$55,594) will be state funds.
- Seven percent of the total personnel cost or \$13,058 (\$186,536 x 7%) will be new Title IV-E funding.
- The remaining \$89,537 [\$186,536 - (\$83,941 + \$13,058)] will be state funding.
- The increase in state expenditures for personnel will be \$117,884 (\$28,347 TennCare + \$89,537).
- The increase in federal funding for personnel will be \$68,652 (\$55,594 + \$13,058).
- The total increase in state expenditures will be \$741,628 (\$623,744 housing + \$117,884 personnel).
- The total increase in federal expenditures will be \$475,084 (\$406,432 housing + \$68,652 personnel).
- Students are authorized to make up time missed through school-sponsored service.

- LEAs that do not currently offer school-sponsored service will be required to begin a program so that students who wish to make up time, and are authorized to do so under the provisions of this bill, may do so. The number of LEAs that currently offer such a program is unknown; however for the purposes of this fiscal note, it is assumed that all LEAs will begin a program.
- The Comptroller estimates that the cost for such school-sponsored service will be \$15 per hour for a teacher and that a minimum of 10 hours per week will be needed.
- There are approximately 36 weeks in a school year (180 instructional days). Cost per week will be \$150 (\$15 per hour x 10 hours per week).
- The length of time it will take a student to accumulate sufficient absences or tardies to utilize an LEA sponsored service programs is unknown.
- For the purposes of the fiscal note, it is assumed that there will be a four week time period in which students will initially be accumulating tardies and dismissals.
- LEAs will begin school-sponsored service programs and pay teachers at least \$15 per hour for program implementation. The increase in local expenditures if all 136 LEAs implemented a program for 32 weeks will be \$652,800 (\$150 per week x 32 weeks x 136 LEAs).
- No impact on the BEP funding formula.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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